



W.P.(MD)No.4487 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.4487 of 2016

and

W.M.P.(MD)Nos.4039 and 4040 of 2016

Vinayaga Sundari

... Petitioner

vs.

- 1.The Director,
Local Fund Audit Department,
Kuralagam, Chennai.
- 2.The Regional Joint Director,
Local Fund Audit Department,
Trichirappalli Corporation Water
Tank Complex,
1st Floor, Dindigul Road,
Trichirappalli-620 024.
- 3.The Assistant Director,
Local Fund Audit Department,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli-620 024.



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4.The Bharathidasan University,
represented by its Registrar,
Palkalaiperur,
Tiruchirappalli-620 024.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 2nd respondent in Na.Ka.No.543/A2/2015, dated 03.2015, signed by him on 30.03.2015 and to quash the same and consequently, to direct the respondents 2 and 3 herein to clear the audit objections raised by them as against the petitioners.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R1 to R3	: Mr.C.Baskaran Government Advocate
For R4	: Mr.V.R.Shanmuganathan

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned proceedings of the 2nd respondent in Na.Ka.No.543/A2/2015 dated 30.03.2015 and consequently, to direct the respondents 2 and 3 herein to clear the audit objections raised by them as against the petitioners.



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2.The petitioner was initially appointed as Basic Servant on 01.02.1988. Thereafter, promoted to various posts. The issue raised in this writ petition is because of the syndicate resolution of the 4th respondent university, the petitioner was granted deemed promotion after completion of seven years. One Gunalan (deceased) was granted deemed promotion after completion of seven years. The issue started from the said Gunalan. Based on Gunalan's deemed promotion, the employees of the 4th respondent started asking deemed promotion after completion of seven years. Because of the persistent claim from the employees, the syndicate passed resolutions granting deemed promotion after completion of seven years. This has incurred huge loss to the 4th respondent university. Hence, there was an audit objection. The university started reversing the orders and issued recovery orders. This was challenged by various employees before this Court. One such challenge was made in W.P.(MD)No.8032 of 2015 and the learned Single Judge has dismissed the writ petition, vide order, dated 14.06.2019. The said order was challenged before the Honourable Division Bench in W.A.(MD)No.684 of 2019. The Honourable Division Bench, vide



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order, dated 17.11.2022, has partly allowed the appeal, wherein that portion of the order directing recovery was set aside. However, liberty was granted to the 4th respondent university to refix the entitlement as per government service rules.

3. The learned Counsel appearing for the respondents submitted that the writ petitioner has given undertaking and accepted to recover the amount from November 2019 to July 2021 to the tune of Rs.3,15,000/-. The petitioner has also agreed to recover the monetary benefits which was granted from 2001 onwards to the tune of Rs.4,88,021/-.

4. The learned Counsel appearing for the petitioner submitted that this undertaking cannot be acted upon and the petitioner would appropriately challenge it before the Court of Law.

5. The learned Counsel appearing for the respondents submitted that the Bharathidasan University is intended to file review against the order of the



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Hon'ble Division Bench and atleast the refixation should be done in this present case.

6. Therefore, the 4th respondent is directed to refix the petitioner's salary from August 2021 onwards and start paying the refixed salary. As far as the recovery of amount is concerned, both the parties are at liberty to challenge as per law.

7. With the above said observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes

30.11.2022

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S.SRIMATHY, J

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